

EXHIBIT B

1 Q. Okay. What individuals or party were you
2 collecting for in Illinois?

3 A. Only the Libertarian party, ballot access. And
4 I'm sorry, there were a couple of initiatives that I
5 gathered for in 2014. And ---

6 Q. Okay.

7 A. --- you didn't ask me about them, but you did ask
8 me to say --- you wanted to know where I gathered
9 signatures ---

10 Q. Yeah.

11 A. --- and what for, so ---.

12 Q. So where were those in 2014?

13 A. And it was also ---. I think 2012 there was one
14 initiative in Illinois. It was term limits, and it was
15 a redistricting amendment in Illinois.

16 Q. That's for 2012?

17 A. In 2012 there was ---. I think that there was an
18 initiative that failed to make the ballot, so I deleted
19 it from my memory. I'm sorry. I've been trying to
20 learn programming over the last couple of months and
21 trying to delete all the programming knowledge and ---.
22 I mean, I know it sounds absurd for me to say that my
23 brain is full, but I mean I actually am trying to just
24 kind of put the petitioning behind me and be done with
25 it.

1 Q. Are you looking to get out of that work?

2 A. Yes.

3 Q. Okay. Why?

4 A. Absurd restrictions on my right to free speech,
5 country definitely going down the tubes because of
6 interference with free speech, police harassment
7 continuously, things of that nature.

8 Q. 2014, you just talked briefly about some
9 initiative that you did in Illinois.

10 A. Map amendments and it's a redistricting initiative
11 and the term limits.

12 Q. Okay.

13 A. And all these things I kind of start and stop at
14 various different times. Some of them I work on for
15 just a very short period of time and others I work
16 longer. Some I hire petitioners, some I don't.

17 Q. So around the 2016 election cycle, you told me
18 what you did in Indiana, in Illinois, in North Dakota.
19 We'll come back to Pennsylvania. What did you do in
20 Connecticut? Who did you collect for in Connecticut?

21 A. It was Rocky De La Fuente as a Democrat for the
22 Democratic Primary.

23 Q. How long were you in Connecticut then?

24 A. And there were others as well, because there's no
25 exclusive requirement there either.

1 Q. Who else?

2 A. That's a good question. Who was it?

3 Libertarians, I believe. I might be wrong about that.

4 Q. How long were you in Connecticut for,
5 collectively?

6 A. Not long, a couple weeks.

7 Q. Did you collect in Connecticut in different
8 locations?

9 A. Yes.

10 Q. And did you stay in different hotels in different
11 locations?

12 A. Yes.

13 Q. New Mexico, what were you collecting there for?

14 A. Rocky De La Fuente and the short-lived Better for
15 America Party. That was just David French.

16 Q. Were you ---?

17 A. Presumably David French, although it was never, I
18 believe, officially declared.

19 Q. For the Rocky De La Fuente in New Mexico, was that
20 him as a Democrat or as an Independent?

21 A. An Independent.

22 Q. How long were you in New Mexico for, collectively?

23 A. It was a very short period of time. It could have
24 been five or six days, but I was only working for four
25 days.

1 Q. And do you know what you were collecting for?

2 A. Jeez, some initiative in Oregon.

3 Q. Okay. So in this 2016 campaign, when you worked
4 in Pennsylvania, did you have somebody --- a
5 Pennsylvania resident go with you and witness your
6 signature collections?

7 A. Yes.

8 Q. And whether it was for the Ted Cruz delegates or
9 for Rocky De La Fuente, you did obtain signatures for
10 both; correct?

11 A. That's correct, at different times, due to the
12 nature of the witness requirement.

13 Q. So let me break that up, because that was not a
14 very good question. You did get signatures for Rocky
15 De La Fuente?

16 A. Correct, as a Democrat for the primary.

17 Q. As a Democrat for the primary you did obtain
18 signatures. And you obtained signatures even though
19 you had a witness with you; correct?

20 A. Correct.

21 Q. And those signatures were notarized, I'm assuming;
22 correct?

23 A. Correct.

24 Q. And those signatures, at least to the best of your
25 knowledge, were not people double dipping and signing

1 multiple petitions; correct?

2 A. Each one had to be qualified by me prior to
3 signing, that's correct.

4 Q. And by part of that you had to make sure that they
5 hadn't signed somebody else's already?

6 A. Yes.

7 Q. Do you know how many signatures you got for Rocky?

8 A. I don't. It wasn't a large ---. It wasn't an
9 exceptionally large number. Maybe 500 or 600, if I
10 recall, but I don't recall exactly.

11 Q. Okay.

12 A. I do recall where I worked. I tend to remember
13 what I consider to be more the salient facts of the
14 work, rather than, you know, specific start and stop
15 dates and things of that nature.

16 Q. Okay.

17 A. The nature of the work, as it were.

18 Q. All right. But not the number that you got, the
19 number of signatures?

20 A. No, not exactly. I don't run around with that
21 committed to memory. Andy Jacobs does incidentally.
22 He's excellent with minutiae.

23 Q. We'll ask him on Friday then.

24 A. Sounds good.

25 Q. What about Mr. Cruz? Did you get signatures from

1 Mr. Cruz?

2 A. Yes, in two different districts.

3 Q. Do you remember how many you got?

4 A. A small number in District 14. I largely was
5 prevented from finishing my work in District 14 due to
6 the witness requirement there. So that was kind of a
7 hassle.

8 Q. Okay. Did you get signatures for Mr. Cruz in
9 District 14?

10 A. Yes.

11 Q. Okay. Did you have a witness with you?

12 A. Yes.

13 Q. Were they notarized?

14 A. Yes.

15 Q. And did you qualify people to make sure they
16 hadn't signed more than --- another petition already?

17 A. Yes.

18 Q. And what other district did you work in for Mr.
19 Cruz?

20 A. State College. I believe that's District 5
21 although don't quote me on that, because I'm not
22 totally certain.

23 Q. Okay. Did you get signatures from Mr. Cruz in the
24 State College area, in State College?

25 A. That's correct.

1 to me.

2 ATTORNEY ROSSI:

3 Can you clarify the question, please, for
4 him?

5 ATTORNEY RADZIEWICZ:

6 Maybe explain what the plaintiff is?

7 ATTORNEY JOEL:

8 We'll take a break.

9 ATTORNEY ROSSI:

10 Yeah.

11 ATTORNEY JOEL:

12 Let's go get the Complaint.

13 ATTORNEY RADZIEWICZ:

14 Okay.

15 SHORT BREAK TAKEN

16 BY ATTORNEY JOEL:

17 Q. With your work with Benezet, do you have a
18 contract with them or is it just Trent picks up the
19 phone or e-mails you and says, go here or go there?

20 A. That would technically be an oral contract, would
21 it not?

22 Q. Maybe, maybe not. Do you have a written contract
23 with Benezet to perform work?

24 A. No.

25 Q. Okay. Have you ever had a written contract with

1 Benezet to perform work?

2 A. Not that I can recall.

3 Q. Okay.

4 A. He may have shown me one once briefly and I just
5 forgot about it. So I mean if he produces that then I
6 wouldn't be surprised, but ---.

7 Q. For this past work that you did in Pennsylvania,
8 how much did you pay per signature?

9 A. It's difficult to calculate exactly. I believe it
10 was \$3 and then it was a \$1.50 override if I could
11 induce the witness to gather their own signatures on
12 his own.

13 Q. What does that mean?

14 A. If the witness was willing to gather any
15 signatures, then I was to be paid an additional amount
16 for any signatures that the witness gathered.

17 Q. Oh, okay.

18 A. So I would have to train him and get him to
19 produce and explain to him how to stop people and how
20 to not interfere with my signature gathering. And so
21 that's ---. It was just kind of prorated out to help
22 defer the cost of having a witness with me.

23 Q. Okay. So you mentioned training. Did you get any
24 training to be able to be a professional signature
25 gatherer?

1 A. In 2002, yes.

2 Q. What did you get?

3 A. I was taken to a location in Lansing, Michigan for
4 one day of petitioning on a college campus and taught
5 how to get people to stop and sign the petition, how to
6 get the maximum number of people to stop and sign a
7 petition, how to be very polite, exceptionally polite,
8 smile, make eye contact, that sort of thing.

9 Q. Okay. Who provided the training?

10 A. Scott Coolhouse (phonetic).

11 Q. Is he a professional signature gatherer as well or
12 what's his business?

13 A. Yes.

14 Q. Okay.

15 A. He may call himself a campaign consultant
16 variously. I don't want to label what he's done with
17 himself since that time. I don't really know.

18 Q. When you turn the signatures at --- strike that.

19 Let me again ask it this way. When is it that you
20 get paid? Is it when the signatures are turned in? Is
21 it after some sort of an objection or challenge period
22 is run? When do you get paid?

23 A. It entirely depends on the campaign.

24 Q. Okay. How about this last go-around of
25 Pennsylvania?

1 A. I was paid within one month of completing. It was
2 after signatures have been turned in. And I don't know
3 whether the campaigns had accessed the ballot at that
4 point or not.

5 Q. Okay. So then within about a month of you turning
6 them in you were paid? Did I hear that correctly?

7 A. Yes. I had a payment dispute with Trent, though,
8 so ---.

9 Q. What was that over?

10 A. I believe that I was not completely paid for one
11 of the districts.

12 Q. Why do you think you were not completely paid?

13 A. He claimed that he did not owe me money, my
14 calculations were something different.

15 Q. Okay. Was that based on a per-signature ---?

16 A. For District 14, for Ted Cruz.

17 Q. Okay.

18 A. Where Ted Cruz failed to access the ballot.
19 Where his delegates failed to access the ballot.

20 Q. Did you end up getting paid for that?

21 A. I was either paid for that or I was paid for what
22 I did in Atlanta. And then I quit working for Trent
23 over that dispute.

24 Q. So you're no longer doing collection services for
25 Benezet or for Trent?

1 A. Correct.

2 Q. How much money was at stake?

3 A. \$934. And that district was the district where
4 for the first day there was no witness ready to go and
5 I had to --- you know, I want to be able to get into
6 that district and start working right away. I need to
7 make money on this job. So that was District 14 for
8 Ted Cruz.

9 Q. Okay.

10 A. Or Ted Cruz's delegates, as it were. Because
11 technically the candidate doesn't get put on the
12 ballot, the delegates do, so ---.

13 ATTORNEY JOEL:

14 Okay. Why don't you mark that?

15 OFF RECORD DISCUSSION

16 (Defendant's Exhibit 3 marked for
17 identification.)

18 ATTORNEY JOEL:

19 I'm showing you what's been marked as
20 Defendant's 3. There may be an amended complaint after
21 that, but ---.

22 ATTORNEY ROSSI:

23 There is.

24 ATTORNEY JOEL:

25 Okay. For purposes of this question, ---

1 ATTORNEY ROSSI:

2 Absolutely.

3 ATTORNEY JOEL:

4 --- I think this will be fine.

5 BY ATTORNEY JOEL:

6 Q. Turn. Keep turning. Keep turning. Keep turning.
7 I mean, you can read where you want, but I've just got
8 a question.

9 A. Uh-huh (yes).

10 Q. Keep going. Oh, that might be it. All right.
11 Paragraph 16. Nope. There you go. Paragraph 16, at
12 the bottom of that page, it mentions you being a
13 professional circulator for the plaintiff in that case.
14 Does that help you at all in terms of know anything
15 about that OpenPittsburgh case and your constitutional
16 challenges in it?

17 A. I'd have to read it fully.

18 Q. Sure.

19 WITNESS REVIEWS DOCUMENT

20 A. Yeah. Okay. I knew of the initiative ---

21 BY ATTORNEY JOEL:

22 Q. Okay.

23 A. --- to an extent. I didn't wind up working on it.

24 Q. I understand that, too. My question was, though,
25 do you know that you're a plaintiff in this lawsuit

1 at a time?

2 A. Yeah. I've never heard the term double
3 dipping ---

4 Q. Well, that's fair.

5 A. --- with regard to the ---. Typically a
6 petitioner would say like piggybacking or stacking
7 petitions, like can that be done in a certain state, if
8 they're ascribing a job to another petitioner. And
9 that would be the nature of that.

10 Q. Okay. But as Mr. Joel used it, it was pretty
11 clear he was discussing signing more than one nominee
12 petition per paper?

13 A. Correct.

14 Q. Is that your understanding of his question? And
15 your answer to it?

16 A. Yeah, I think so.

17 Q. But exclusionary rules, your definition is simply
18 a much broader --- that double dipping would be one
19 component of exclusionary ---?

20 A. A prohibition on double dipping as he calls it?

21 Q. Yeah. Would be equivalent to other ballot acts,
22 restrictions?

23 A. Yes.

24 Q. So an exclusionary rule, in your vernacular, is
25 the universe about access restrictions?

1 A. Yes.

2 Q. And in your view some states are better at
3 allowing ballot access than others?

4 A. Yeah. Not just in my opinion. But I mean that's
5 like a pretty demonstrable fact. I mean, that's widely
6 known and understood in the petition industry. Every
7 single petitioner understands that, every single
8 proponent understands that. Everybody knows that
9 that's the case.

10 Q. Okay.

11 A. And, in fact, if you're talking with certain
12 proponents or certain petitioners and you're talking
13 with a proponent about, do they want to get on the
14 ballot in a certain state, they may say no or they may
15 say yes based on the difficulty and the number of
16 restrictions. You know, because every instruction
17 increases the cost of a petition to all involved.

18 Q. Okay. And restrictions limits your ability, in
19 your experience, to access and to --- strike that.

20 These various ballot access restrictions, in your
21 estimation and in your experience, limits your ability
22 to interact with voters?

23 A. Yes.

24 Q. Okay. Let me ---.

25 A. And frequently and in many different ways. All

1 right? Because they could totally limit my ability to
2 interact with a single voter by keeping me out of the
3 state. And that I could be kept out of the state
4 because the requirement is so onerous that I can't make
5 good money complying with it or it could prevent the
6 entire attempt about access from even happening. And
7 so someone would say, well, we think we're going to
8 have work for you, you know, at such and such a time
9 and then it turns out that we don't because of these
10 restrictions.

11 Q. In those states ---? Are there states that
12 allow ---? Just to get it on the record, have you
13 circulated petitions in states which allow more than
14 one petitioner paper to be signed at a time?

15 A. Yes, that's the case with most states ---

16 Q. Okay. And it's your testimony today ---?

17 A. --- that I work in.

18 Q It's your testimony today that many voters like to
19 sign more than one paper?

20 A. Yes.

21 Q. Okay. Have they ever explained to you why they
22 want to?

23 A. All the time, yes.

24 Q. And give us some of those explanations that you've
25 been privy to.

1 A. Okay. I thought they were already on the ballot.
2 No, sir, we have to go out and gather petition
3 signatures if you want candidates on the ballot. Or
4 no, ma'am, we have to go out and gather thousands and
5 thousands of petition signatures if you want a choice
6 on the ballot. And then a lot of them will express
7 incredulity that that's the case and they think I'm
8 trying to scam them or something. And so I'd have to
9 explain to them that no, in fact, if you want any
10 Republicans or any Democrats on the ballot, you have to
11 --- for those candidates somebody in your district,
12 some number of signature signers in your district in
13 the past have, in fact, signed petitions to place these
14 candidates on the ballot.

15 And then a lot of the times they'll say, well,
16 okay. Or let me take a look at it as long as I don't
17 have to give any personal information. At which point
18 in time if they do have to give personal information,
19 then I have to explain to them, you know, well, it just
20 goes to, you know, either the Secretary of State's
21 Office or to whoever the election authority is in that
22 state. And then, in fact, it is required for them to
23 access the ballot.

24 And there are other ---. There are many other
25 exclamations. It's not just that objection or

1 that ---. What do the voters think? The voters think
2 all different kinds of things. And they might say,
3 well, you know, can I sign for such and such a
4 candidate? Usually the candidate of their preference.
5 And if that candidate is in the stack of petitions that
6 I have, then I say, yes, and by the way ---.

7 I would say --- very, like almost every petition
8 signer in North Dakota, Gary Johnson was popular and I
9 was explaining to them that he was already on the
10 ballot. You know, we put him on previously in the
11 election cycle or the Libertarians had ballot access
12 because of our previous work in the election cycle.
13 I had to make it clear to them that I wasn't just a
14 partisan Libertarian or that I wasn't just a partisan,
15 a Constitution promoter, that I wasn't just a partisan
16 Green Party supporter.

17 And I would say that one-third of the people
18 primarily were stopping because they wanted Jill Stein
19 on the ballot and they were previous Bernie supporters.
20 And when I said can you sign for these other
21 candidates? They would say, of course, of course,
22 would be the typical response. So that leads me to
23 believe that they want multiple choices on the ballot
24 and only rarely would they expressly state that, but I
25 got many of courses throughout the day.

1 Q. And now ---.

2 A. And other variations of that. Sorry. I didn't
3 mean to ---.

4 Q. No. You were testifying, I was talking over you.
5 I apologize. Now, during this deposition Mr. Joel
6 asked you in all these various states that you
7 petitioned in, whether or not you circulated different
8 locations. Now in Pennsylvania you testified that you
9 circulated different locations previously, I believe?

10 A. Yes.

11 Q. And when you --- when you moved from one location
12 to another, does the in-state witness usually follow
13 you around to different parts of the state?

14 A. They have to. Oh, no, no. I'm sorry. There
15 would be a different witness in each congressional
16 district and a different witness for each candidate, of
17 course. Because a Democrat can't witness for Ted Cruz
18 and vice versa.

19 Q. Yeah. Okay.

20 A. So I had two witnesses at least in District 14 and
21 I had a witness in District 5 and I didn't do Rocky in
22 District 5.

23 Q. Okay. Does it take additional ---? Are you done?

24 A. Yeah. Yeah.

25 Q. Okay.

1 A. I did actually do Rocky in District 5, now that I
2 recall. So I had two witnesses in both.

3 Q. Okay. When you switch witnesses, does that impede
4 your ability to get up and running in the new district?

5 A. Yes.

6 Q. Why?

7 A. Every time that a witness is called to a petition
8 location, that impedes the gathering of signatures.
9 Like each and every day they're late a lot of times.
10 They say that they can't work that day, got to find a
11 different witness, whatever is, so ---. And if they
12 have to follow you to a different district because you
13 don't have like a Democrat in one district and you've
14 got the Democrat to go with you or you've got to get
15 the Republican to go with you, then that also will of
16 course be a huge obstacle. And of course a separate
17 hotel room in some cases would have to be provided for,
18 for that. So that increases the cost of the campaign.

19 Q. Now in your experience are witnesses paid per
20 signature or how --- are? Strike that.

21 In your experience how are witnesses paid in
22 Pennsylvania?

23 A. Almost everywhere witnesses are paid hourly.

24 Q. Okay.

25 A. Because they won't go out and produce.

1 Q. Okay.

2 A. If they are producing per signature, it's
3 commonplace to pay them some additional small amount on
4 top of what they're paid hourly. So that it in theory
5 works out to what the, you know, circulator is being
6 paid.

7 Q. Okay.

8 A. Although that's never the case, ---

9 Q. Okay.

10 A. --- generally speaking.

11 Q. Have you ever had a witness that ---?

12 A. Match my hourly rate?

13 Q. Yes.

14 A. No.

15 Q. Has there ever been a situation where you wanted
16 to move, like ---? Has there ever been a situation in
17 Pennsylvania where you wanted to move around and the
18 witness would not want to --- wanted to stay stationary
19 or ---?

20 A. Yes. However, that wasn't a significant
21 obstacle, because they were told, then, to listen to me
22 and to go where I wanted to go, in Pennsylvania. But
23 in Connecticut it was a big obstacle.

24 Q. Okay. How so?

25 A. There was a guy who was handicapped and couldn't

1 move around very well, so he just only wanted to stay
2 seated in one place.

3 Q. Okay.

4 A. And, you know, also generally objecting to --- you
5 know, he was also trying to get me to allow him to stay
6 at home and just lie. You know, like trying to
7 pressure me there. So I said, no, no, you have to come
8 out and sit in Walmart or wherever it was that I had
9 permission at that date.

10 Q. Okay.

11 A. And in Pennsylvania there is one additional
12 similar case where there was a problem where I was
13 petitioning and the witness got me kicked out of the
14 location. So just him being there ---

15 Q. How so?

16 A. --- attracted security onto himself and myself,
17 insisting that we leave. And they didn't leave, I'm
18 certain, because of me, because they approached him,
19 told him to stop loitering. And just for the record he
20 may have been racially profiled, African American. And
21 so he was told that he can't be loitering in front of
22 the store. And they said, and tell your buddy, you
23 know, to leave, too, you know.

24 Q. Okay. So this was a store or private property
25 kind of situation where ---?

1 A. And I saw them looking over at me, then, ---

2 Q. Okay.

3 A. --- when they came to talk to him. And so I
4 presume that they would not have even known that I was
5 around there if he had not been asked to leave. And so
6 then we had to get a new location, which that is
7 actually a very commonplace occurrence, where a witness
8 will unwittingly cause a petitioner to --- he has to
9 leave a location because they're standing around and
10 there are no loitering signs around. And so they don't
11 want some guy standing there all day, you know, ---

12 Q. Okay.

13 A. --- in the same place anyway. They tend to not
14 move around very much. Like they tend to not be doing
15 what I'm doing, which is going around asking people to
16 sign, which looks like a more natural action,
17 apparently, to people who may be sitting in front of a
18 security camera or security monitor.

19 Q. Now, in Pennsylvania the witness --- it's your
20 understanding that the witness has to execute the
21 affidavit to circulate; correct?

22 A. Correct.

23 Q. Now, there are hundreds of thousands of notary
24 publics in Pennsylvania, you're aware of that?

25 A. I was not aware of that, because I only know of

1 one of them who would agree to meet late at night.

2 Q. Okay. So late at night, why would you meet with a
3 notary late at night?

4 A. That's when I'm done petitioning for the day.

5 Q. Okay.

6 A. There were some people who interrupted their
7 petitioning day to go drive to a bank, get petition
8 signatures notarized and then drive back to a location.
9 Which if you consider it may be that the bank is even
10 30 or 40 minutes away and you've got to be there by
11 5:00 p.m. by the time the bank closes, that's ---.

12 Q. Okay.

13 A. And interruption of my day that I did not care to
14 do myself. I did not want to reduce by one or two
15 hours the amount of signatures that I was gathering in
16 the middle of the day.

17 Q. So stopping to get papers notarized limits your
18 ability to get signatures? You know, it takes ---

19 A. Yes.

20 Q. --- time away from your signature gathering?

21 A. Yes. In the middle of the day. And there are
22 peak hours and nonpeak hours during the day.

23 Q. What are those peak hours in general, in your
24 experience?

25 A. Morning rush hour, evening rush hour.

1 Q. Okay.

2 A. And lunchtime.

3 Q. So if you leave to get papers notarized around
4 four o'clock, you may miss a rush hour traffic?

5 A. Yeah. Or even a portion of it ---

6 Q. Okay.

7 A. --- would be detrimental to my day, because I may
8 get 60 signatures an hour during rush hour, whereas
9 I'll get three --- or, I'm sorry, 30 signatures, you
10 know, about half of that in a non-rush hour. Or even
11 like ten per hour in like between 2:00 and 3:00, you
12 know. So whether it's widely like that ---.

13 Q. You mentioned this one notary. So you had only
14 like one notary that you could rely on whereby you
15 could wait until 11 o'clock at night to get petitions
16 notarized. Is that what your testimony is?

17 ATTORNEY JOEL:

18 Objection.

19 A. One per each.

20 ATTORNEY ROSSI:

21 Yeah.

22 A. I'm sorry.

23 ATTORNEY ROSSI:

24 No, no. He's allowed to object. It's
25 okay. It was an appropriate objection. It was a long,